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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,352	08/29/2001	Michael F. Angelo	1662-40800 (P01-3609)	7091

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,352

Applicant(s)

ANGELO, MICHAEL F.

Examiner

Christopher J. Brown

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-51 and 64-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-51, 64-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The examiner believes the applicant may have mislabeled their action 09/642,352.

The correct application number is 09/942,352.

The applicant argues that none of the cited references teaches a computer system having a remotely located control unit that is coupled to a plurality of biometrically enhanced locks. While the examiner asserts that the inclusion of a remote located control unit is new matter, see rejection below, Gennaro US 6,317,834 does teach using a plurality of biometric sensors coupled to a control unit, see Fig 3.

The applicant argues that none of the cited references teach a control unit. The examiner directs the applicant to Gennaro which teaches a verification device (control unit) that authenticates users that submit biometric data for access to a computer component.

The applicant argues that the references do not teach a plurality of biometric sensors with a plurality of physical locks. The examiner argues that if there was one lock with a biometric sensor, as stated in the previous rejection, it would have been obvious to have a

plurality of biometric sensors and locks. In addition to this argument, the examiner has incorporated new references into the following rejection written below.

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19 and 65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The inclusion of a "remotely located control unit" does not appear in the specification. The examiner could only find an instance of a remote biometric sensor.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite:

Although the specification does not support use of a remotely located control unit (see above), if it did, claim 19 does not state where the control unit would be remote to.

There is no frame of reference to the word "remote". Appropriate correction is required.

Claims 20-27 are rejected due to their dependence on rejected claim 19.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-31, and 37-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Gennaro US 6,317,834 in view of Lee US 5,742,683

As per claims 28, and 41 Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20).

Gennaro fails to teach logical access to more than 1 component. Lee teaches using biometrics and granting access to different components based on said biometrics, (Col 7 lines 55-67, Col 8 lines 1-5, 17-24).

It would have been obvious to one of ordinary skill in the art to combine the biometric access system of Gennaro with the different components of Lee because this allows for multiple levels of security.

As per claims 29, 42 Gennaro teaches using a fingerprint as biometric data, (Col 4 line 65).

As per claims 30, 43 Gennaro teaches using an iris as biometric data, (Col 4 line 65).

As per claims 31, 38, 49, 51, Gennaro teaches that the computer device is a storage device, (database), (Col 4 lines 50-56).

As per claim 37, Gennaro teaches the software authorizing the user accesses the computer components, (Col 2 lines 6-20).

As per claim 39, Gennaro teaches associating a person with use of a computer, (Col 2 lines 4-9).

As per claim 40, Gennaro teaches acquiring a biometric image from a person and associating a security access code with said biometric image, (Col 1 lines 63-66).

As per claim 44, Gennaro teaches allowing access based on the biometric reading, (Col 2 lines 15-21).

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As per claim 45, Gennaro teaches if the biometric reading does not match, preventing access, (Col 4 lines 50-55).

As per claims 46, and 69 Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 47, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claims 48, Gennaro teaches permitting access to a computer device once the person is authenticated, (Col 2 lines 19-20).

As per claims 50, Gennaro teaches that the system does not authenticate the person, no access is allowed, (Col 4 lines 50-56).

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gennaro US 6,317,834 in view of Lee US 5,742,683 in view of Jones US 5,144,659.

As per claims 32-34, the Gennaro-Lee combination does not teach read/write access modes.

Jones teaches that security system privileges include read and write modes, (Col 4 lines 16-22). It would have been obvious to one of ordinary skill in the art to include read and write modes in the security system of Gennaro-Lee, because it allows the system administrator more flexibility in access policy.

Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gennaro US 6,317,834 in view of Lee US 5,742,683 in view of Hayman US 5,859,966.

Gennaro-Lee o teaches access to a database, Gennaro-Lee does not teach hard drives or Cd-roms.

Hayman teaches that databases are found on both hard drives and cd-roms, (Col 10 lines 5-10). It would have been obvious to one of ordinary skill in the art to put the database of Gennaro-Lee on the hard drive or cd-rom of Hayman because these are universal PC storage devices.

Claims 19, 20, 22, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerick US 6,418,014 in view of Swinger US 6,349,825 in view of JP 411229687A

As per claim 19, Emerick teaches an anti-theft system for protecting electronic equipment, including computer components, (Col 3 lines 10-23, Fig 1a). Emerick teaches said anti-theft system teaches a lock for preventing components being removed, (Col 5 lines 6-56). Emerick does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of Emerick with the biometric access of Swinger, because the biometric access of swinger increases security.

The Emerick-Swinger combination teaches a biometric lock securing a computer component, but does not teach a plurality of locks securing computer components.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Emerick-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component.

As per claims 20, Swinger teaches using a fingerprint as biometric data, (Col 5 line 36).

As per claim 22, Swinger teaches an electromechanical lock, (Col 5 lines 35-40).

As per claims 25, 26 Swinger teaches unlocking said lock upon proper biometric authorization, (Col 5 lines 43-48).

As per claim 27, JP 411229687A teaches each lock is associated with a each computer components, (Fig 1).

Claims 21, 23, 24, and 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emerick US 6,418,014 in view of Swinger US 6,349,825 in view of JP411229687 in view of Gennaro US 6,317,834.

As per claims 21, the previous Emerick-Swinger combination teaches biometrics, but does not teach iris identification.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Emerick-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component.

Gennaro teaches using an iris as biometric data, (Col 4 line 65).

It would be obvious to one of ordinary skill in the art to use iris data of Gennaro to access the lock of the Emerick-Swinger-JP411229687 combination because it allows multiple biometric access methods.

As per claims 23, and 24 the previous Emerick-Swinger-JP411229687 combination does not disclose a biometric template.

As per claims 23, Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 24, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

It would have been obvious to one of ordinary skill in the art to incorporate the template of Gennaro with the biometric lock of Emerick-Swinger-JP411229687 so that the lock could be accessed by a plurality of biometrically authorized users.

As per claim 64, Emerick teaches an anti-theft system for protecting electronic equipment, including computer components, (Col 3 lines 10-23, Fig 1a). Emerick teaches said anti-theft system teaches a lock for preventing components being removed, (Col 5 lines 6-56). Emerick does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of

Emerick with the biometric access of Swinger, because the biometric access of swinger increases security.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Emerick-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component.

Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20).

It would have been obvious to one of ordinary skill in the art to add the data security of Gennaro to the physical security of the Emerick-Swinger-JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

As per claim 65, Gennaro teaches that the control unit is remote to the computer system, (Fig 3).

As per claims 66, and 67, JP411229687 teaches a locker system with a plurality of locks to hold components securely, (Fig 1, Abstract).

As per claim 68 Emerick teaches securing computers (Col 3 lines 10-23).

As per claim 69 Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

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As per claim 70 Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claim 71 Gennaro teaches using an iris as biometric data, (Col 4 line 65).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

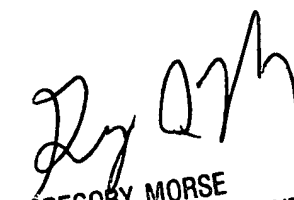
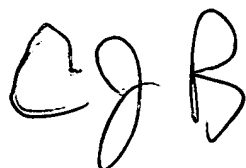
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

8/28/05



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